

COMMITTEE ON FINANCE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Jack H. Schurlknight, Council Member District No. 6

A **meeting** of the **Committee on Finance**, Standing Committee of Berkeley County Council, was held on Monday, **August 24, 2009**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:08 p.m.

PRESENT: Chairman Jack H. Schurlknight, Council District No. 6; Committee Member Phillip Farley, Council District No. 1; Committee Member Timothy J. Callanan, Council District No. 2; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; County Supervisor Daniel W. Davis, ex officio; Mrs. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

Chairman Schurlknight called the meeting to order.

APPROVAL OF MINUTES

Chairman Schurlknight asked for approval of minutes from a meeting of the Committee on Finance held July 27, 2009.

It was moved by Committee Member Pinckney and seconded by Committee Member Fish to **approve** the **minutes** as presented. The motion passed by unanimous voice vote of the Committee.

EXECUTIVE SESSION

It was moved by Council Member Farley and seconded by Council Member Fish to **enter** into **Executive Session** to discuss matters relating to the discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, a student or a person regulated by a public body; and the receipt of legal advice where the legal advice relates to a pending, threatened or potential claim; and other matters covered by the attorney/client privilege. The motion passed by unanimous voice vote of Council.

The Committee entered into Executive Session at 6:09 p.m., and returned to Committee Session at 6:41 p.m.

Mrs. Nicole Scott Ewing, County Attorney, reported that the Committee entered into Executive Session for reasons stated in the motion, and no formal action was taken.

A. Ms. Barbara B. Austin, CCC, Clerk of County Council, Re: Position upgrade.

Committee Member Pinckney stated “for the record that the Clerk of Council does a really good job and has been effective and efficient ever since he had been on Council. My only concern here is that because we are the governing body of Berkeley County, we have currently got a resolution in place that all positions be frozen until the Compensation Study is being done or not be filled because of the financial restraints we have, but in this particular case, I do believe that, that position should be filled, because there is no telling what may happen and I do not want us to be caught short and not having sufficient people in that position to do what they need to do. But, because there is an upgrade involved, I do have some concern as to the message that it may be sending here with all of the employees that we have in Berkeley County who currently does not have that option available to them. I’m not saying that the position doesn’t warrant that, but what I am saying is the perception that it would give to all of the other 900 plus employees that we currently do have in the county. I just wish that as we go forward on our vote that we will take it under consideration and hopefully we will do the right thing on this particular situation.”

Supervisor Dan Davis stated that he “would like to also comment that we began with this Compensation Study about a year and one-half ago and it is a promise that we have made to employees for a while now, even before the financial crisis that we find ourselves in and a lot of employees have been anticipated that and have been working in positions knowing that they are underpaid and that those positions deserve better compensation. There are a number that are disappointed and they know now that we are having to delay that. I also believe that upgrading any position, because in the last two budgets, we have basically said there will be no position upgrades until we did the Compensation Study and the directors have held to that and honored that. I do think that it does send the wrong message, that we take this position or any other position out of the mix and do an upgrade without doing them all. We know that we are not going to be able to do all of them for quite some time. Our financial situation just will not permit it. I just think that is something that we all need to remember and that everybody is chipping in trying to shoulder the load throughout the county and I would not want to send a wrong message to the employees.”

Committee Member Callanan stated “The issue here, as I see it, is the fact that we lost an employee here in this position because, a fully trained employee in this position, because of its pay grade and pay level. Then we have to go back now and retrain somebody and when that person gets retrained, we run the same risk of losing them again and paying all of the extra money of constantly retraining someone when it makes more economic sense just to pay them at the rate they are doing the work. It’s not just picking

and choosing or giving anyone special treatment. There is an economic consideration here too, to the taxpayers of the County.”

Committee Member Call stated his “concern is that I haven’t been totally satisfied that in light of passing that resolution about critical employees that I haven’t been totally satisfied in my mind that this position needs to be filled right now, especially since we put this restriction on all of the other departments and we have ours a little bit of special treatment to. I certainly understand Mr. Callanan’s argument and I know that years ago, we would hire deputies and send them off for training at the Law Enforcement Academy and buy them uniforms, guns, shoes, badges and cars. Two or three months later, they would be gone to another department. We became the training ground, because we were paying so far below what the other counties were paying. So I can certainly sympathize with Mr. Callanan’s concern and it is a real concern. It seems like we need to determine if this is a critical position first, to be filled and if it is, then fill it and then evaluate that employee and see if an upgrade is in order.”

Committee Member Steve Davis stated that “I run a business myself and I do appreciate having the necessary qualified employees to carry out the duties and functions. The resolution specifically says “non-essential”. I think that is the special issue. The position currently is vacant. The Clerk of Council needs this position to be filled. There is money in the budget for that particular vacant position and in relationship to the amount of work which requires our Clerk to have to come in on a Sunday to perform, how we can perform at a level that is professional, I deeply appreciate. I think that is why we put it in the context that it comes before County Council for a decision to be made. And so, I think a decision needs to be made. I don’t think it violates the policy that we put in place because it addresses County Council actually having the final say on it. That is not to say that other department heads or other positions cannot or may reach this non-essential level. Having said that, I believe that we should equip the Clerk of Council with the necessary personnel that she needs and so I am in support of it, even though it may or may not require any additional money.”

Committee Member Call stated that “he did not want anything that he said to reflect on the quality of the work that’s coming out of the Clerks’ office. I am astounded at what they have been able to do. I haven’t discussed it with the Clerk, but I would certainly be more than happy to take her recommendation if she feels that it is a ‘critical position’.”

Chairman Shurlknight appreciated “all of the comments and I know this has been thought about a lot. Just to kinda follow up, Ms. Austin does a great job and I know there is a lot of work going on in there. It’s a lot to keep up with. I do feel like she needs some help in there. The problem that I have is the upgrade. And that goes back to what some fellow Council Members were talking about. What is fair to the other employees here at the County. We have asked these employees for these three furlough days. They stepped up to the plate. They understand the economics of what is going on now and doing what they can to help preserve their jobs here. I, for one, really appreciate that. What concerns me and bothers me is that even though we have the power to do it, is to arbitrarily upgrade

a position in the Clerk's office there and I'm sure there are other departments out there that could justify exactly what we are talking about tonight. We had that wage and salary study. Hopefully it is going to be out before long. Yes, we don't have a lot of money to fund that wage and salary right now, but I firmly believe that we need to bring all of the employees up at the same time and not single out just one employee for this upgrade. Again, I appreciate all of the input, all of the discussion."

It was moved by Committee Member Fish and seconded by Committee Member Farley to **approve the position upgrade** from Administrative Clerk 4 to Administrative Specialist 3, in the **Clerk of County Council's office**. The motion passed by majority voice vote of the Committee. Committee Member Call voted "Nay" and Committee Member Pinckney voted "Nay".

Chairman Schurlknight asked for a show of hands to approve the upgrade.

Committee Member Farley voted "Aye".
Committee Member Callanan voted "Aye".
Committee Member Cathy Davis voted "Aye".
Committee Member Fish voted "Aye".
Committee Member Steve Davis voted "Aye".
Committee Member Call voted "Nay"
Committee Member Pinckney voted "Nay".

B. Consideration prior to First Reading of an **ordinance** authorizing the conversion of a lease agreement pursuant to Title 4, Chapter 12 of the Code of Laws of South Carolina, 1976, as amended, to a Fee Agreement pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended, and approving the assignment of the interests of **Pig Center, LLC**, in such converted fee agreement to **JL WOODE LTD., LLC** or an entity or entities owned in whole or part by JL WOODE LTD., LLC or one or more of its principals and subsequent assignments related thereto, including through the use of one or more qualified intermediaries; the entering into of certain agreements including the aforesaid fee agreement; and others matters related thereto.

It was moved by Committee Member S. Davis and seconded by Committee Member Fish to **approve prior to First Reading** of an **ordinance** authorizing the conversion of a lease agreement pursuant to Title 4, Chapter 12 of the Code of Laws of South Carolina, 1976, as amended, to a Fee Agreement pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended, and approving the assignment of the interests of **Pig Center, LLC**, in such converted fee agreement to **JL WOODE LTD., LLC** or an entity or entities owned in whole or part by JL WOODE LTD., LLC or one or more of its principals and subsequent assignments related thereto, including through the use of one or more qualified intermediaries; the entering into of certain agreements including the aforesaid fee agreement; and others matters related thereto. The motion passed by unanimous voice vote of the Committee.

C. Review prior to Third Reading of the following:

1. Bill No. 09-32, an Ordinance to amend Ordinance No. 09-06-31 providing for the fiscal year beginning **July 1, 2009, and ending June 30, 2010**, for the **Sangaree Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

It was moved by Committee Member C. Davis and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 09-32**. The motion passed by unanimous voice vote of the Committee.

2. Bill No. 09-37, an **ordinance** authorizing the execution and delivery of a second amendment to fee agreement between Berkeley County, South Carolina and **RG-MWV, LLC**; and matters relating thereto.

Chairman Schurlknight stated that Bill No. 09-37 would be held until a later date.

It was moved by Committee Member S. Davis and seconded by Committee Member C. Davis to **adjourn** the meeting of the Committee on Finance. The motion passed by unanimous voice vote of the Committee.

Meeting adjourned at 6:54 p.m.

September 28, 2009
Date Approved

FINANCE

(Standing Committee of Berkeley County Council)

Chairman: Mr. Jack H. Schurlknight, District No. 6

Members: Mr. Phillip Farley, District No. 1
Mr. Timothy J. Callanan, District No. 2
Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy S. Davis, District No. 4
Mr. Dennis L. Fish, District No. 5
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON FINANCE**, Standing Committee of Berkeley County Council will be held on **Monday August 24, 2009**, following the meetings of the Committee on Community Services and Public Works and Purchasing at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

APPROVAL OF MINUTES:

July 27, 2009

EXECUTIVE SESSION to discuss matters relating to the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body and the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim and other matters covered by the attorney-client privilege.

A. Ms. Barbara B. Austin, CCC, Clerk of County Council, Re: Position upgrade.

B. Consideration prior to **First Reading** of an **ordinance** authorizing the conversion of a lease agreement pursuant to Title 4, Chapter 12 of the Code of Laws of South Carolina, 1976, as amended, to a Fee Agreement pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended, and approving the assignment of the interests of **Pig Center, LLC**, in such converted fee agreement to **JL WOODE LTD., LLC** or an entity or entities owned in whole or part by JL WOODE LTD., LLC or one or more of its principals and subsequent assignments related thereto, including through the use of one or more qualified intermediaries; the entering into of certain agreements including the aforesaid fee agreement; and others matters related thereto.

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- 2. Bill No. 09-37**, an **ordinance** authorizing the execution and delivery of a second amendment to fee agreement between Berkeley County, South Carolina and **RG-MWV, LLC**; and matters relating thereto.

August 19, 2009
S/Barbara B. Austin, CCC
Clerk of County Council